

**REMARKS**

This is in response to the non-final Office Action mailed August 9, 2007. In the Office Action, Claims 11-12 and 14-15 are rejected under 35 U.S.C. § 102(b), and Claims 1-3, 6, and 13 are rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-3, 6, and 11-13 remain in this application. Reconsideration and allowance are requested for the following reasons.

**I. Rejection of Claims 11-12 and 14-15 Under 35 U.S.C. § 102(b)**

In section 9 of the Office Action, Claims 11-12 and 14-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,892,512 ("*Donnelly*"). Applicants respectfully traverse this rejection.

The Examiner acknowledges that "*Donnelly* fails to disclose a table including both a handler and an interface binding, as required by claim 11." (*See* Office Action, page 7, lines 7-8.) As a result, Applicants respectfully submit the Examiner has failed to make a *prima facie* case of anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See* MPEP 2131.

In addition, Applicants respectfully submit that *Donnelly's* two tables are not inherently equivalent to Applicants' claimed one table. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by

probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” See MPEP 2112.

Further, Applicants note that there are benefits associated with utilizing a single binding table including the binding, command, and handler, rather than multiple tables as disclosed by *Donnelly*. For example, it is more efficient to provide a single repository for such information, rather than having to maintain multiple tables as disclosed by *Donnelly*. Also, using a single binding table allows for greater consistency, in that all of the commanding information is provided in a one place. The use of multiple tables as disclosed by *Donnelly* increases the chances of inconsistent commanding, in that it may be necessary to make changes to multiple tables to effectuate one change in the commanding structure.

Claim 11 is also amended to recite querying a second binding table, the second binding table including a plurality of second binding entries, at least one second binding entry of the plurality of second binding entries including a second command binding, a second command, a second handler, and a second interface binding, and bubbling up through all tables of bindings associated with a given node to build the command interface. These are limitations incorporated from canceled claims 14 and 15. *Donnelly* fails to disclose or suggest a second binding table with all of a command binding, a command, and a handler. *Donnelly* likewise fails to suggest bubbling up through all tables of bindings.

Accordingly, Applicants respectfully submit the Examiner has failed to make a *prima facie* case of anticipation of claim 11. Dependent Claim 12 is also allowable at least for the reasons described above regarding independent Claim 11, and by virtue of their dependency upon independent Claim 11. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claim 12.

**II. Rejection of Claims 1-3, 6, and 13 Under 35 U.S.C. § 103(a)**

In section 8 of the Office Action, Claims 1-3, 6, and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Donnelly* in view of U.S. Patent No. 6,008,806 ("*Nakajima*"). Applicants respectfully traverse this rejection, and reconsideration is requested for the following reasons.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites "automatically build a menu based on the interface binding, wherein automatically building the menu comprises the processor being programmed to, upon subsequent generation of the menu, include additional commanding information added to a control level without requiring changes to be made to an application." Support for these amendments are found in the specification at least on page 14, lines 20-29.

In contrast, *Donnelly* at least does not disclose the aforementioned recitation from Claim 1. For example, *Donnelly* merely discloses collective views being created, whilst maintaining interface consistency and selection consistency via a tree like structure is created that contains groups of action instances. *See* col. 10, lines 57-59. In *Donnelly*, a menu definition object 230 is constructed which achieves this tree like structure by holding a flat set of menu entries 232. *See* col. 10, lines 59-61. *Donnelly's* tree like structure is thus achieved by embedding menu definition instances within other menu definition instances. *See* col. 10, lines 65-67. In addition, in *Donnelly*, a base Menu Definition object 230 is created which contains all the view attributes that are associated with a specified menu definition. *See* col. 11, lines 1-3. An Action Framework 10 provides a predefined set of view attributes 242 for common Menu Definition types 240 that are stored within the underlying file system 30. *See* col. 11, lines 4-7.

Accordingly, *Donnelly* merely discloses collective views being created via a tree like structure and an action framework providing predefined view attributes. Consequently, *Donnelly* does not disclose automatically building a command interface including additional commanding information added to a control level without requiring changes to be made to an application. Rather, *Donnelly* is silent regarding adding information to a control level without requiring changes being made to an application.

In addition, *Nakajima* does not overcome *Donnelly*'s deficiencies. *Nakajima* discloses providing extensions through which application developers may extend the capabilities of a shell of an operating system. *See* Abstract. *Nakajima* does not disclose automatically building a command interface including additional commanding information added to a control level without requiring changes to be made to an application, as recited by Claim 1.

Combining *Donnelly* with *Nakajima* would not have led to the claimed invention because *Donnelly* and *Nakajima*, either individually or in combination, at least do not disclose or suggest automatically build a menu based on the interface binding, wherein automatically building the menu comprises the processor being programmed to upon subsequent generation of the menu include additional commanding information added to a control level without requiring changes to be made to an application, as recited by amended Claim 1. Accordingly, independent Claim 1 is patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 1.

Dependent Claims 2-3 and 6 are also allowable at least for the reasons described above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-3 and 6.

Dependent Claim 13 is also allowable at least for the reasons described above regarding independent Claim 11, and by virtue of its dependency upon independent Claim 11. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claim 13.

### **III. Conclusion**

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the claimed inventions that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

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